

ESTTA Tracking number: **ESTTA568732**

Filing date: **11/04/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211998
Party	Plaintiff Alt3 Media Corporation
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Submission	Opposition/Response to Motion
Filer's Name	Eric J. Steiger
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Signature	/Eric J. Steiger/
Date	11/04/2013
Attachments	Amended Complaint.pdf(158982 bytes) Exhibit A.pdf(364219 bytes)

ALT3 MEDIA CORPORATION)	SERIAL NO. 85774479
6404 Bannington Rd., Suite B)	Opposition No. 91211998
Charlotte, NC 28226)	
Opposer,)	
)	
v.)	
)	
KRUEGER INTERNATIONAL,)	AMENDED NOTICE OF
INC.)	OPPOSITION
1330 Bellevue Street)	
Green Bay, WI 54302)	
Defendant.)	
)	
)	

PARTIES

2. Upon information and belief, Krueger is a Wisconsin corporation with its principal place of business in Green Bay, Wisconsin, whose business includes the web based sale of office furniture.

3. Alt3 has standing to file this Opposition pursuant to 15 U.S.C. §1063(a), as a person who believes that it would be damaged by the registration of Krueger's mark on the principal register.

4. Alt3's belief is based on the likelihood of confusion that would ensue, if Krueger's registration is accepted, between Krueger's mark and an identical mark already in use by Alt3.

FACTUAL ALLEGATIONS

5. On September 28, 2011, Alt3 incorporated in Delaware.

6. Since the date of its incorporation, Alt3 has been engaged in interstate commerce through its website, <http://www.alt3.com> (which is also redirected from <http://www.alt3media.com>).

7. Since it began doing business, Alt3 has been using the standard character mark "Alt3" (the "Mark") as a trade and/or service mark in interstate commerce to identify the products and services it provides to customers.

8. The Mark is a protected unregistered mark under 15 U.S.C. § 1125, that has been in continuous use in interstate commerce since September 28, 2011.

9. Alt3's primary channel of communication is the Internet and Alt3's prominent presence on the World Wide Web. A Google search of the Mark yielded Alt3's website on the first page, seventh from the top (See attached **Exhibit A**). The Mark is displayed prominently and frequently in all sections of Alt3's website.

10. Krueger also sells products to business customers through the web.

11. On or about November 8, 2012, Krueger filed an Intent-to-Use Application (the "Application") with the United States Patent and Trademark Office (the "USPTO") for use of the term "Alt3" as a standard character mark in the class of "Furniture".

COUNT I – LIKELIHOOD OF CONFUSION- §2(d)

12. Alt3 incorporates here by reference all allegations set forth in paragraphs 1 through 12 of its Opposition as though fully rewritten at length.

13. The mark in the Application is identical to the Mark used by Alt3, namely the term “Alt3” as a standard character mark.

14. Alt3 and Krueger sell to similar classes of purchasers, namely, business customers.

15. Alt3 and Krueger use the same or similar channels of trade to market their products, specifically, the Internet.

16. Based on information disclosed in the Application, Alt3’s use of the Mark has priority over Krueger’s application.

17. The mark in the Application so resembles the Mark, which has been previously used in the United States by Alt3, as to be likely, if used on or in connection with Krueger’s products, as to cause confusion, to cause mistake, and/or to deceive, pursuant to 15 U.S.C. §1052(d).

WHEREFORE, Alt3 respectfully requests that this Board enter judgment in its favor on its Opposition and refuse Krueger registration of the mark in the Application.

Respectfully submitted,

/s/ Eric J. Steiger

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Alt3 Media Corporation

CERTIFICATE OF SERVICE

A copy of the foregoing was sent by e-mail this November 4, 2013, to:

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/s/ Eric J. Steiger

ERIC J. STEIGER



alt3

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About 3,370,000 results (0.13 seconds)

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<https://www.facebook.com/Alt3.../119925741375236>

[Alt+1 = Alt+2 = Alt+3 = Alt+4 = Alt+5 = Alt+6 = Alt+7 = Alt+8 =](#)
[Alt+9 = Alt+10 = Alt+11 = Alt+12 = Alt+13 = Alt+14 = Alt+15 =](#)

[What does dressing Alt and 3 do???](#) - Yahoo! Answers
answers.yahoo.com > ... > Hardware > Other - Hardware

Aug 27, 2008 - normally alt 3 makes this heart symbol..... 5 years ago: Report Abuse. 0% 0 Votes. xoparischido by xoparic... Member since: August 10, ...

[alt3 \(alt3\) on Twitter](#)

<https://twitter.com/alt3>

The latest from alt3 (@alt3). Amateur photographer, @malcomteam founder, # Eclipse lover, software project manager R.L. Dad, Le Barp.

[Alt3.co.uk](#)

www.alt3.co.uk/

Alt3 first page - introduction into how the world will develop in the next several years.

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www.alt3.com/

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